

## **REMARKS**

### ***General:***

Claims 1-20 were pending in the application before this amendment. Claims 1-12 and 20 stand rejected. Claims 13-19 stand objected to. Claims 1, 11, and 20 have been amended as discussed below.

Support for the amendment to claims 1 and 11 is explained below. The amendment to claim 20 merely corrects the dependency, and are supported by the previous text of the claim.

No new matter has been added by this amendment.

### ***35 U.S.C. § 112 ¶1 rejection:***

Claim 1 stands rejected as allegedly adding new matter, on the ground that it could be interpreted as suggesting that the carriages are distinct from the conveyor means. Claim 1 has been amended to recite the carriages explicitly as part of the conveyer means, and this rejection is believed no longer to apply.

### ***35 U.S.C. § 112 ¶2 rejection:***

Claim 1 stands rejected as allegedly indefinite on the sole ground that it allegedly adds new matter. That is not a valid basis for a rejection under 35 U.S.C. § 112 ¶2, but in any case the rejection is deemed to be moot in view of the amendments discussed above.

Claim 20 stands rejected as allegedly indefinite as lacking antecedent basis for some features. Claim 20 is made dependent from claim 13, in which the carriages, the fixed tracks of the carriages, and the control tracks are introduced.

### ***35 U.S.C. § 102 rejections:***

Claims 1, 11, and 20 stand rejected as allegedly anticipated by U.S. Patent No. 5,060,367 (Vandevoorde). The rejection is traversed as to the claims now presented. The transfer elements in Vandevoorde follow a circular path. The Examiner argues in the Office action (page 3, lines

19-21 and page 4, lines 4-6) that the rotating drum 22 of Vandevoorde constitutes a “carriage” and effects an ascending and descending movement. Claims 1 and 11, as now presented, explicitly recite that the active travel path of the transfer elements is straight. There is no disclosure or suggestion of that feature in Vandevoorde. Indeed, it would be impossible to achieve a straight travel path with Vandevoorde’s rotary mechanism. Claims 1 and 11, as now presented, are believed to be not only new but also non-obvious over Vandevoorde.

Support for the amendment is found at least in page 5, lines 10-16; page 12, lines 8-27 in combination with FIG. 3 (showing the straight tracks 11, 12); arrow B in FIG. 5A and at page 14, lines 5-7; and FIG. 10 showing the straight control tracks 17-1 and 17-2. Note that straight movement of the transfer elements is specified only in the active travel path. As shown at angles  $\alpha$  and  $\beta$  in FIG. 9, and arrows A and C in FIGS. 5A and 6B, each transfer element on its return path makes a detour to avoid the alternating transfer element on its active travel path.

As was explained in a previous response, the apparatus of Vandevoorde has certain disadvantages, and is somewhat complex. Note, in particular, the sleeve 21 at top left of the wheel 3 (immediately below the wheels 17<sub>6</sub> and 17<sub>7</sub>) in FIG. 2, which is visibly deflected because the circular motion of wheel 3 cannot be perfectly synchronized with the straight movement of belt 18. A similar problem will affect the synchronization between wheel 3 and bottle conveyor 4. Note also the mechanism at 17<sub>3</sub>, 17<sub>4</sub>, 17<sub>5</sub>, to cause the carriages 8 to pause as they collect their sleeves.

The presently claimed apparatus, in contrast, allows many of these disadvantages to be eliminated or greatly mitigated. The movement of the transfer elements 61, 71 in a straight line on descending tracks makes possible the inclined movement described on page 12, in which the movement of the transfer elements relative to the bottles is exactly vertical with the bottles moving at a constant speed. That is impossible with the steadily rotating wheel of Vandevoorde. The separate movement of one pair of transfer elements 61 from the other pair 71 makes it possible for each pair to move at a cyclically varying speed so that, for example, the speed at the point where the transfer elements pick up a sleeve can be regulated independently of the speed at the point where the transfer elements place the sleeve on a bottle. That was possible in

Vandevoorde only by using a complex mechanism to interrupt the constant movement of carriage 8 on belt 18.

Claims 1 and 11, as now presented, are therefore believed to be allowable over Vandevoorde.

Claim 20 is now dependent from claim 13, against which this rejection has not been raised, and is deemed to be allowable over Vandevoorde for at least the same reasons as claim 13.

***35 U.S.C. § 103 rejections:***

Claims 2 and 12 were rejected as allegedly obvious over Vandevoorde. Claims 2 and 12 are dependent from claims 1 and 11 and, without prejudice to their individual merits, are believed to be allowable over Vandevoorde for at least the same reasons as claims 1 and 11.

***Allowable subject matter:***

The Examiner's indication that claims 3-10 and 13-19 define allowable subject matter is acknowledged with appreciation. (It is assumed that in section 10 of the Detailed Action, "Claims 3-19" should read "Claims 13-19" for consistency with item 7 of the Office Action Summary.) For the reasons explained above, base claims 1 and 11 are believed to be allowable, and dependent claims 3-10 and 13-19 are similarly deemed to be allowable.

***Conclusion:***

In view of the foregoing, the application is believed to be in condition for allowance. Withdrawal of all rejections, and an early notice of allowance of claims 1-20 as now presented, are earnestly solicited.

If the Examiner has any further minor concerns, he is respectfully invited to contact the undersigned or Henry Blanco White, reg. no. 47,350, telephone no. 215-988-3301.

Respectfully submitted,

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